

REMARKS

All of Applicants' previously presented claims 1 and 19-38 were determined to be allowable by the Examiner when Interference No. 103,988 was declared and *ex parte* prosecution suspended. See, e.g., PTO Form 850 dated June 5, 1997. Applicants were the prevailing party in the interference, with the Board concluding that Applicants were first to invent and entitled to a patent containing their claims. Applicants provide this Amendment Following Interference and Appeal in order to assist the Examiner and to expedite allowance of this application.

Applicants are herein adding new dependent claims 39-76. New claims 39-56 are dependent on previously presented independent claim 1 and contain limitations that are substantially similar to previously pending claims 20-37. That is, new claims 39-56 differ from previously pending claims 20-37 only in their dependency on claim 1 and in slight changes to the wording of the limitations to conform to the antecedent basis of claim 1. New claims 57-74 are dependent on previously presented independent claim 38 and also track previously pending claims 20-37. That is, the only difference between new claims 57-74 and claims 20-37 is their dependency on claim 38. New claim 75 is dependent upon previously presented claim 19 and new claim 76 is dependent upon previously presented claim 38.

Applicants filed an Information Disclosure Statement on October 14, 2008, in order to make of record various patents and documents considered during the interference and subsequent district court appeal and Federal Circuit appeals. Applicants respectfully request that the Examiner indicate consideration of the indicated documents by initialing the PTO-1449 and returning a copy of the initialed form to Applicants with the next Office communication. If there are any other documents that

the Examiner would like copies of in connection with this application, the interference, or district court appeal, Applicants would be happy to supply them for consideration.

It is Applicants' understanding that all outstanding issues in this application have been resolved and that, following entry of the amendment and consideration of the Information Disclosure Statement filed October 14, 2008, this application can be immediately allowed. Applicants therefore respectfully request expedited consideration and allowance of this application.

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

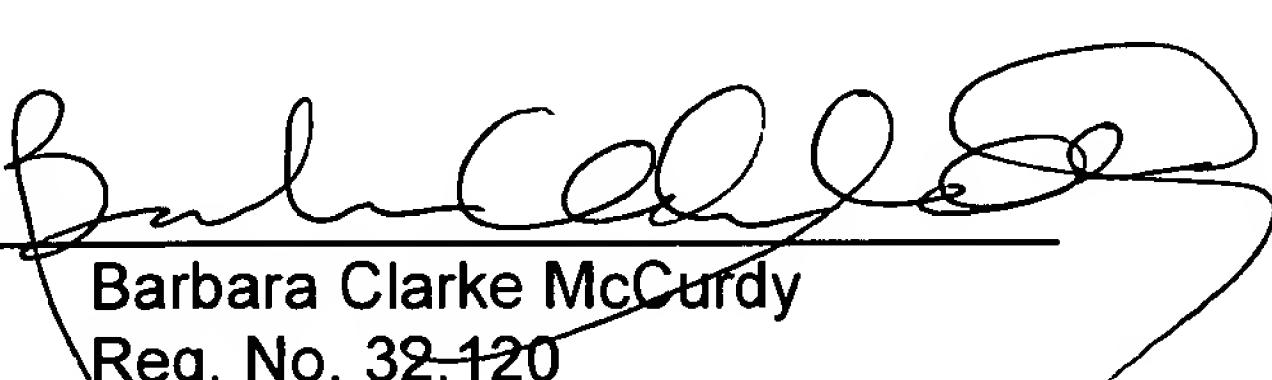
If there is any fee due in connection with the filing of this Amendment, or for any other reason, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 23, 2008

By:


Barbara Clarke McCurdy
Reg. No. 32,120